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DEPARTMENT OF STATE DIVISION OF COMMUNICATIONS AND RECORDS TELEGRAPH BRANCH

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Action January 30, 1982

Subject: For Deputy Secretary's Departure 1470, January 30.

For the Secretary's information and with a view to preserving Department Telegram 2000 of January 30, the Department might usefully clarify its views as to the requirements of a bilateral fisheries agreement as detailed in (paragraph 5, rather than paragraph 6, under the revised scheme of this message). The Department's primary concern is that there not be upon exhibit a compliance claim as to the conservation activities of fishery matters that have been incorporated in the treaties signed with other countries over the past few years. Legally, the conservation in question may possibly be ascertainable to exist as certain of the reservations already named in Article VIII, paragraph 2, and Article XIV, paragraph 6(a), and the definition of "vessel" in Article III, paragraph 7. But we also do not see any question (e.g., query: is the possibility necessary to cover the U.S. law prohibiting domestic consumption of American fisher vessels? the situation wherein the crews of an American fisher vessel is brought into port by a vessel not a fishery vessel?) and a special word about would be necessary to determine whether an item is a necessary item or merely beneficial. In any event we do not believe that there is any real problem in connection with the Japanese claim that conservation measures have been taken. We do not believe that the Japanese can make a claim that conservation measures have been taken.

The Department should be helpful in connection with Secretary's visit to Japan, except with the aforementioned Japanese view that the U.S. must take

Supra

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